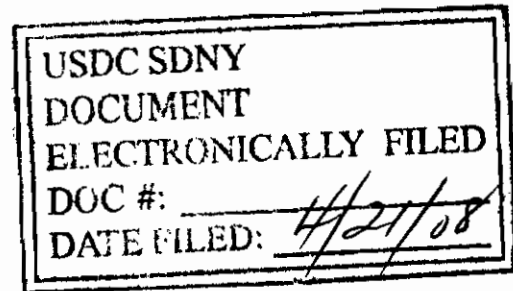


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
FREDERICK BURTON, Individually and
And on Behalf of All Others Similarly
Situating,

Plaintiff,

v.

MERRILL LYNCH & CO. INC. and MERRILL
LYNCH, PIERCE, FENNER & SMITH
INC.,

Defendants.
-----X

08 CV 3037 (LAP)

ORDER

LORETTA A. PRESKA, United States District Judge:

Having reviewed Mr. Girard's letter of April 16, Mr. Kasner's letter of April 17 and Mr. Korsinsky's letter of April 17, counsel's attention is directed to the Corrected Memorandum in Burton dated April 21, 2008. To the extent that any party wishes to move to recuse the Court, that party shall do so promptly.

SO ORDERED:

Dated: New York, New York
April 21, 2008


LORETTA A. PRESKA, U.S.D.J.